



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Case Assignment and Initial Notice
Mail Code 401-05H
P.O. Box 420
Trenton, NJ 08625-420

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

NOV 24 2015

Kilic Realty LLC
431 S. Pennsville-Auburn Road
Carneys Point, NJ 08069

Ari D. Linden, Agent
35 Kings Hwy E.
STE 220
Haddonfield, NJ 08033-2009

RE: Former Liberty Plastics Co
431 S. Pennsville-Auburn Road
Carneys Point, Salem County
Block 246, Lot 8.01
PI# 013205, EPA ID # NJC200400554

Dear Sir or Madam:

The New Jersey Department of Environmental Protection (Department/NJDEP) records indicate that soil and/or ground water contamination exists at the above referenced site or area of concerns (AOCs) and has not been remediated and/or received a Response Action Outcome (RAO) letter. The Department has determined that certain provisions of the Site Remediation Reform Act (SRRA) apply to this site. This letter is intended to advise you of your obligations under the law and provide you with additional information.

On May 7, 2009, the SRRA was enacted. The SRRA requires persons responsible for conducting remediation to address discharges of hazardous substances by establishing an affirmative obligation to conduct remediation in accordance with the provisions of the Technical Requirements for Site Remediation (N.J.A.C. 7:26E or Tech. Regs.) and the Administrative Requirements for the Remediation of Contaminated Sites (N.J.A.C. 7:26C or ARRCs Rule).

Site Specific Background

On or about March 2, 2011, Federal Environmental Protection Agency - Region II (EPA) oversaw an emergency/stabilization at the above site. As part of a Stabilization Action at the above referenced site, the EPA records indicated the following: Polrep # 1 stated on page 3 that "Further sampling (both soil and drum contents) on the second visit concluded that some of the containers contained ignitable and corrosive materials." On page 4 of the Polrep, "Contractors not affiliated with EPA were conducting follow-up operations relating to a transformer oil spill cleanup. The contractor reported to EPA that a transformer had leaked oil into the ground. This contractor has drained and removed the transformer and subsequently excavated the contaminated soil and disposed of same." There is a concrete slab floor throughout, with sump pumps in several locations.

Polrep # 2 indicated, "On April 21, 2011, an excavator was used to dig out and transfer the waste tank material to two roll offs.

Removal Actions

In summary, the Department's file(s) indicate that EPA concluded its actions on September 20, 2011. However, the remediation of this site has not been complete in accordance with State laws and regulations resulting in the issuance of a

final remediation document (i.e. "No Further Action Letter (NFA)) or RAO. The Department's file indicates that remediation is outstanding regarding the following AOC(s):

- a. Surface and subsurface soils at the site are required to be sampled in accordance with the Technical Requirements For Site Remediation pursuant to N.J.A.C. 7:26E in native soils at the site. Beginning at the locations where the EPA noted discharges into the environment were found. If any contaminated soils are noted through field observations or through soil sampling analytical data, the RPs referenced above must call the discharge into the Department's Hotline and obtain an incident number linked to the PI# referenced above. For this investigation, the RPs are required to fully delineate any soil contamination on and off site. The RPs are also required remediate any soil contamination associated with this investigation to the current Soil Remediation Standards (SRS). (See 7:26E-4 for details);
- b. Potential ground water (GW) contamination may exist. The RPs are required to install at least one or more monitoring wells for all known AOCs. Include horizontal, vertical and off site delineation of any potential GW contaminant plume associated with the AOC(s) discussed herein. (See 7:26E-4 for details);
- c. Any AOCs where contamination migrated to surface water area(s), surface water sediments, including any wetlands are required to be part of the Remedial Investigation requirements. (See 7:26E-1.16 & 4 for details); and
- d. Analytical requirements: Any volatile, BN organic compounds, total petroleum hydrocarbons (TPHCs) and priority pollutant (PP) metals in soil and/or GW at or above the Department's Soil Remediation Standards (SRS) and GW criteria. (See 7:26E 2.1 for detailed sampling parameters for the site)

Please note that based on additional remedial activities other AOC(s) may be found which will require you to work with a Licensed Site Remediation Professional (LSRP) to obtain an RAO for all AOCs before this case can be closed by the Department.

Requirements

If you can provide the Department with a Department issued NFA letter for the above referenced AOC(s), please send or email a copy of the NFA letter to the supervisor listed below. **Note, that Department's NFA letter dated on or about August 5, 2010, does not cover the AOCs between the timeframes of 3-2-11 through 9-20-11 where EPA conducted stabilization actions.** If you do not have a NFA letter from the Department for these above referenced AOC(s), you are required to hire an LSRP to complete remediation and issue an RAO.

The SRRA establishes criteria for the LSRP(s), who will assure that contaminated site or AOC(s) are remediated in accordance with all prevailing statutes, regulations and guidance. The timeframes and criteria that define when an LSRP must be hired, as well as other requirements of SRRA, have been reflected in rules adopted on November 4, 2009 and last amended May 7, 2012 [See N.J.A.C. 7:26C and N.J.A.C. 7:26E]. These rules can be found at www.nj.gov/dep/srp/regs/.

The ARRCs Rule, specifically N.J.A.C. 7:26C-2.2(a) establishes the criteria for determining when a person is required to remediate a site or AOC(s) and N.J.A.C. 7:26C-2.3(a) are the requirements for the person or persons responsible for conducting the remediation. **To return to compliance you must immediately hire an LSRP and submit all appropriate forms as required by the ARRCs Rule to the Department.**

The LSRP you hire will conduct remediation of your site or AOC(s) without the need for Department pre-approval; provided this site is not subject to Direct Oversight. An LSRP will be able to advise you in this regard. The Department will, however, be available to provide compliance assistance to you and your LSRP as you move forward with the remediation and eventual issuance of a RAO letter.

A list of licensed LSRP's can be found at: www.nj.gov/dep/srp/srra/lsrp/lsrp_list.htm. To document the hiring of an LSRP, submit a completed "LSRP Notification of Retention or Dismissal" Form to the Department at www.state.nj.us/dep/online/ within 45 days of receipt of this letter. Please note that this timeframe does not represent an extension for compliance required under SRRA, ARRCs, or the Tech. Regs.

It is important to note that there are regulatory and mandatory timeframes which may apply. These timeframes are for completion of an Initial Receptor Evaluation, a Preliminary Assessment/Site Investigation, if required, and responding to the presence of petroleum free product (Light Non-Aqueous Phase Liquid or LNAPL). For these activities, submissions were due to the Department by March 1, 2011. Depending on site-specific conditions, regulatory and mandatory timeframes related to "Immediate Environmental Concern" (IEC) conditions could also apply and are triggered from the date of identification of the IEC. Please consult the referenced rules and the following links to better understand these timeframes, related activities including the ongoing evaluation of potential impacts to public health and the environment, what constitutes an IEC, etc.

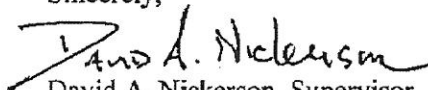
www.state.nj.gov/dep/srp,
www.nj.gov/dep/srp/guidance/srra/lnapl_guidance.pdf,
www.nj.gov/dep/srp/srra/forms/receptor_evaluation_report.pdf,
www.nj.gov/dep/srp/guidance/srra/draft_iec_guidance.pdf

****IMPORTANT****The statutory time frame (i.e. required by law) to have the Remedial Investigation (RI) completed for this site was May 7, 2015 for soil contamination. If ground water or any other media contamination is found, the RI date is May 7, 2017. If you did not have the RI completed by May 7, 2015 for soil only contamination, your site or AOC(s) are subject to Direct Oversight. Please see the Direct Oversight requirements at N.J.A.C. 7:26C-14.

****IMPORTANT**Please note that until the site is fully remediated this matter will remain open in Department records, which could complicate future property and business transactions and could result in enforcement actions including the issuance of penalties of up to \$50,000 per day per violation.**

Should you have any technical and/or administrative questions regarding this new program, please refer to the "Contact List for Questions on LSRP" located at www.nj.gov/dep/srp/srra/srra_contacts.htm. If you have additional questions, please contact the undersigned @ 609.633.1445 or email @ dave.nickerson@dep.nj.gov.

Sincerely,



David A. Nickerson, Supervisor
Bureau of Case Assignment and Initial Notice

C: EPA Pollution/Situation Report Dated March 2, 2011

U.S. ENVIRONMENTAL PROTECTION AGENCY
POLLUTION/SITUATION REPORT
Liberty Plastics - Removal Polrep
Initial Removal Polrep



297043



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region II

Subject: POLREP #1
Initial Polrep
Liberty Plastics
A250
Carneys Point, NJ
Latitude: 39.6904140 Longitude: -75.4699857

To: Thomas Budroe, US EPA Region II
Gregory DeAngelis, US EPA Region II
Andrew Raddant, Department of Interior
Tim Grier, USEPA Headquarters 5202G
Joe Rotola, USEPA Region 02
George Zachos, USEPA Region 2 ERRD
Paul Zammit, USEPA Region 2 OIG
Mark Pane, USEPA, Region 02, ERRD-RAB
Eric J. Wilson, USEPA, Region 02, ERRD-RAB
David Dillon, USEPA, Region 2 CID
Mary Mears, USEPA, Region 2, PAD
Fred Mumford, NJDEP
Lisa Plevin, USEPA Region 02
Beckett Grealish, USEPA Region 2, ERRD, RAB
Deborah Schwenk, USEPA, Region 2, ERRD-RPB
Carole Petersen, USEPA, Region 2ERRD-NJRB
Judith Enck, USEPA Region 02

From: Thomas Budroe, On-Scene Coordinator

Date: 3/2/2011

Reporting Period: March 2, 2011

1. Introduction

1.1 Background

Site Number:	A250	Contract Number:	EP-S2-10-03
D.O. Number:	019	Action Memo Date:	
Response Authority:	CERCLA	Response Type:	Time-Critical
Response Lead:	EPA	Incident Category:	Removal Action
NPL Status:	Non NPL	Operable Unit:	
Mobilization Date:	3/2/2011	Start Date:	3/2/2011

Demob Date:	Completion Date:
CERCLIS ID:	RCRIS ID:
ERNS No.:	State Notification:
FPN#:	Reimbursable Account #:

1.1.1 Incident Category

Abandoned drum Site.

1.1.2 Site Description

The Site is an abandoned urea molding compound manufacturing facility containing approximately 50 drums and 30 smaller containers. An assessment conducted by the U.S. Environmental Protection Agency ("EPA") has documented that hazardous substances exist in many of these containers. The containers pose a threat of release of hazardous substances to the environment, as defined in the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"). Accordingly, a CERCLA removal action is warranted. The Site meets the definition of a facility under Section 101(9) of CERCLA.

The Site consists of an abandoned concrete brick building, surrounded by forested areas on three sides and a major roadway on the fourth side. Liberty Plastics Inc., d/b/a Budd Chemical Company, utilized the building to manufacture urea formaldehyde molding compounds used in electrical wiring devices. The business stopped operating in December 2008 and filed for bankruptcy in January 2010.

This will be the first EPA removal action undertaken at the Site.

1.1.2.1 Location

The Site is located in a rural mixed residential/commercial neighborhood at 431 South Pennsville – Auburn Road in the City of Carneys Point, New Jersey, 08069. Interstate-295 ("I-295") is located 500 feet from the Site to the West and the New Jersey Turnpike ("NJ Turnpike") is located 1000 feet to the East. A moderately forested area separates both major highways. The closest residence to the Site is situated approximately 1,000 feet the southwest direction from the Liberty Plastics building along South Pennsville-Auburn Road. The closest school, Salem Community College, is located within 6,000 feet of the Site. The I-295/NJ Turnpike junction is heavily trafficked and a major rest stop is located approximately 5,000 feet from the Site.

The footprint of the 70' x 250' structure occupies approximately 20% of the property that comprises the Site. There are windows without glass and several doors are open and completely accessible to trespassers and vandals. The facility is not operating and in poor condition. Evidence of persons accessing the Site has been observed including vandalism and damage to the property.

The Site is located at 39.6899562° N and 75.4704302° W.

1.1.2.2 Description of Threat

The Site, a former urea molding compound manufacturing facility, is located in a mixed residential/commercial neighborhood at 431 South Pennsville – Auburn Road in the City of Carneys Point, New Jersey, Salem County. Liberty Plastics has been inactive since December 2008. It formerly operated under the name Budd Chemical Company. In

January 1996 Liberty Plastics, Inc. acquired Budd Chemical Company and continued the same business of manufacturing urea molding compounds used mainly for electrical wiring devices.

On June 30, 2010, the U.S. Department of Justice ("DOJ") notified the EPA Office of Regional Council ("ORC") of a motion by the trustee in the Liberty Plastics bankruptcy asking permission to abandon its manufacturing plant in Carneys Point, New Jersey. EPA ORC forwarded this notification to the EPA Emergency and Remedial Response Division ("ERRD") on July 1, 2010. EPA ERRD was requested to evaluate the Site for a CERCLA removal action.

During July 2010, EPA conducted a two visits to the Site as part of a removal assessment. Containers were found to be stacked in the northwest corner of the building and additional drums were scattered in other locations of the building. Rainfall was able to enter the building from open roof areas, which is approximately 50 feet above ground level. There is a concrete slab floor throughout, with sump pumps in several locations. Outside of the building, in

the southeast corner, stands a large steel, above ground storage tank. The tank's size is approximated at 2,000 ft³. The tank's contents were not discovered during the July 12, 2010 inspection due to the safety and operational constraints.

Samples were taken from approximately 21 drums and analyzed by the EPA mobile laboratory for Resource Conservation and Recovery Act ("RCRA") characteristics. The results from these samples indicated that ignitable and corrosive characteristics existed as properties of the substances found inside several drums. Further sampling (both soil and drum contents) on the second visit concluded that some of the containers contain ignitable and corrosive materials. At one time these materials were considered product being used at the Site. However, their deteriorated condition and fact they have been abandoned indicate that these materials are now waste. Based on this information, these waste materials that are ignitable and corrosive are considered CERCLA designated hazardous substances as defined in section 101(14) of CERCLA, 42 U.S.C. § 9601(14). The containers with unknown contents (were not sampled during the removal assessment) could potentially contain additional CERCLA designated hazardous substances. The Site falls within the definition of facility under Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

The Site inspection also revealed evidence of persons gathering within five feet of the building. Garbage, beer, alcohol containers, and trails leading up the building support this claim. The copper wiring has been stripped off the electrical equipment, which is set immediately adjacent to the building. Open doors and glass-less windows have created access points for future intruders.

A release and continuing threat of release of a CERCLA designated hazardous substance exists at the Site, which is a facility under Section 101(9) of CERCLA. As a result, a CERCLA removal action is warranted.

Hazardous substances, as defined by Section 101(14) of the CERCLA, 42 U.S.C. §9601(14), have been found at the Site and includes the following:

Hazardous Substance	Quantity	Storage Method	Primary Hazard(s)	Statutory Source for Designation as a Hazardous Substance
Drums of D002 (corrosive liquids)	3 drums x 55 gallon	Drums and containers	Inhalation, Ingestion, Contact	RCRA Section 3001
Drums of D001 (ignitable liquids)	8 drums x 55 gallon	Drums and containers	Inhalation, Contact	RCRA Section 3001

The roof and side walls have openings to allow rainfall and snow melt to enter the building. This has lead to standing water accumulating on the floor, drums and other containers. Most of the doorways and windows are open and/or broken which provides a route for hazardous substances to release into the environment via wind currents. Furthermore, in the event of a fire, these hazardous substances would be released into the air, which would result in their migration into adjacent residential neighborhoods. Trespassers entering the building will also come in direct contact with hazardous substances and will likely track the contamination off-site.

A continued exposure of the drums to excessive moisture and temperature extremes will cause the drums to further corrode. Water freezing and expanding will lead to a release of the drum contents. Contaminants can migrate into the environment through air entrainment of particulates. The building may also contain friable ACM insulation that

is wrapped on pipe. When friable, asbestos is designated as a CERCLA hazardous substance under 40 CFR Table 302.4. Asbestos fibers may be released directly into the environment.

The building's deteriorating condition, leaking containers, potential friable asbestos on exposed pipe and the potential for continued unauthorized entries by trespassers are the most likely mechanisms for future releases.

These mechanisms will continue the spread of contamination from the Site unless the actions proposed in this memorandum are implemented.

2. Current Activities

2.1 Operations Section

2.1.1 Narrative

2.1.2 Response Actions to Date

On March 2, 2011, EPA OSCs conducted a site walk with the ERRS Response Manager in preparation of securing the building to stop trespassers from accessing the building. A door on both the east and south side of the building were unlocked. Wall-unit air conditioners had been removed from the wall on the west, north and east sides of the building. An approximate two foot by 1.5 foot opening now provides easy access at these locations. The louvers from two vents approximately 15 feet from the ground have been cut and removed. The drums do not seem to be have been disturbed since EPA was last on Site.

Contractors not affiliated with EPA were conducting follow-up operations relating to a transformer oil spill cleanup. The contractor reported to EPA that a transformer had leaked oil into the ground. This contractor has drained and removed the transformer and subsequently excavated the contaminated soil and disposed of same.

2.1.3 Enforcement Activities, Identity of Potentially Responsible Parties (PRPs)

The property has become the subject of bankruptcy proceedings. EPA, DOJ, the trustees and the bank holding title to the property have entered into into a consent decree whereby EPA will receive an established sum of money from any proceeds from a sale of the property and consent to access to conduct the removal action.

2.1.4 Progress Metrics

Waste Stream	Medium	Quantity	Manifest #	Treatment	Disposal

2.2 Planning Section

No information available at this time.

2.3 Logistics Section

No information available at this time.

2.4 Finance Section

No information available at this time.

2.5 Other Command Staff

No information available at this time.

3. Participating Entities

No information available at this time.

4. Personnel On Site

No information available at this time.

5. Definition of Terms

No information available at this time.

6. Additional sources of information

No information available at this time.

7. Situational Reference Materials

No information available at this time.